

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
	:	18cr749 (DLC)
-v-	:	
	:	<u>ORDER</u>
KEVIN MORA,	:	
	:	
Defendant.	:	
	:	
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DENISE COTE, District Judge:

On July 25, 2019, Kevin Mora entered a plea of guilty to one count of conspiring to distribute narcotics in violation of 21 U.S.C. §§ 846, 841(b)(1)(C), and 841(b)(1)(D). Mora was sentenced on November 22, 2019, principally to 46 months' imprisonment. Mora is 32 years old and imprisoned at the Metropolitan Detention Center ("MDC") awaiting transfer to another facility to serve the remainder of his sentence. The Bureau of Prisons ("BOP") projects that he will be released in February 2022.

On April 21, 2020, Mora submitted a request to the warden of MDC that he be released to serve the remainder of his sentence on home confinement pursuant to 18 U.S.C. § 3624(c) or, in the alternative, that the warden bring a motion for Mora's early release pursuant to 18 U.S.C. § 3582(c)(1)(A). The warden denied Mora's request on April 23, 2020.

On May 20, 2020, Mora moved this Court to modify or reduce his term of imprisonment pursuant to 18 U.S.C. § 3582(c)(1)(A), or, in the alternative, to release him on bail, citing the COVID-19 public health emergency. On May 26, the Government opposed Mora's petition. The Government concedes that Mora has met the administrative exhaustion requirement set forth in § 3582.

Mora's application is denied. Pursuant to 18 U.S.C. § 3582 (c)(1)(A), Mora's sentence may be reduced if, after consideration of the 18 U.S.C. § 3553(a) factors, a court finds that "extraordinary and compelling reasons" warrant such a reduction. 18 U.S.C. § 3582 (c)(1)(A)(i). Mora has not demonstrated that he meets the conditions set forth in § 3582 (c)(1)(A) or that consideration of the § 3553(a) factors supports his application. Mora's petition rests largely on his carrying of the sickle cell trait. Mora acknowledges that he does not currently have sickle cell disorder or another illness.


Mora requests in the alternative that he be released on bail. Mora is a sentenced prisoner in the custody of the BOP. This Court lacks authority to order Mora's release on home confinement.

Accordingly, it is hereby

ORDERED that the May 20, 2020 motion pursuant to § 3582
(c)(1)(A) is denied.

SO ORDERED:

Dated: New York, New York
May 27, 2020



DENISE COTE
United States District Judge